

REMARKS

In accordance with the foregoing, claims 1, 54, and 64 have been amended, claims 36-44, 52, 53, and 55-63 have been cancelled without prejudice or disclaimer, and claims 79-81 have been added. Claims 1, 2, 4-7, 13, 14, 33, 54, 64, 65, 65, and 74-81 are pending and under consideration. No new matter is presented in this Amendment and claims 79-81 are deemed patentable due at least to their depending from corresponding claims 1, 54, and 74.

REJECTIONS UNDER 35 U.S.C. §102:

On pages 2-4 of the Office Action, the Examiner rejects claims 1, 2, 4-7, 13, 14, 33, 36-44, 52-54, 56-60, 62-65 and 74-78 under 35 U.S.C. §102(e) in view of ljtsma et al. (U.S. Patent 6,594,209). The rejection is respectfully traversed, and reconsideration is requested.

As a point of clarification, claims 36-44, 52, 53, and 55-63 have been cancelled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection of claims 36-44, 52, 53, 56-60, 62, and 63 is deemed moot.

On page 3 of the Office Action, the Examiner asserts that ljtsma et al. discloses a pointer "of the last recorded address of a defective and replaced area of the disc" such that ljtsma et al. discloses the features of claim 1. However, it is noted that claim 1 does not recite a last recorded address of a defective area. Instead, claim 1 recites, among other features, "an address of last data that is last recorded in the user data area." As such, even assuming arguendo that the Examiner's assertions with regard to ljtsma et al. teaching pointers for defective areas are correct, the Examiner does not assert that ljtsma et al. discloses an address of last data of the user data area.

Moreover, ljtsma et al. teaches using a Main Defect Table (MDT) which grows from one packet up to eight due to a 2kB sparing system. A Main Info Packet (MIP) includes information on individual MDTs. A copy of the MIP is copied into a Secondary Info Packet (SIP) and a copy of the MDT is copied into the Secondary Defect Table (SDT). (Col. 3, lines 45-63, col. 4, lines 30-60; FIGs. 6B through 7). As shown in FIGs. 4 and 5, the MDT and SDT includes Logical Block Addresses (LBAs) for replacements of defective original sectors.

Further, to the extent ljtsma et al. further describes the contents of the MDT and SDT in the context of the Defect Management performed with reference to EP 99203111.2 and European Patent Application 00200290.5 (which corresponds to U.S. Patent No. 6,606,285), the contents of the MDT and SDT for this Defect Management included a Last Written Address (LWA) at byte position (BP) 26 of the MDT or SDT. However, this Defect Management did not

include an MIP or an SIP. Moreover, ljtsma et al. does not suggest that the SIP, which manages the SDTs, or the MIP, which manages the MDTs, includes the LWA instead of the MDT or SDT. Lastly, the LWA does not refer to a position of user data, and instead refers to a last formatted position in order to allow restarting of a deicing operation as described in col. 7, lines 55-60 and col. 12, lines 19-27 and FIGs. 9 and 15 of U.S. Patent No. 6,606,285.

In contrast, claim 1 recites, among other features, that "the temporary defect management information is used by the recording and/or reproducing apparatus to manage the temporary defect information and includes an address area which comprises an address of last data that is last recorded in the user data area and which is accessed by the recording and/or reproducing apparatus." As such, it is respectfully submitted that ljtsma et al. does not disclose or suggest the features of claim 1.

For at least similar reasons, it is respectfully submitted that ljtsma et al. does not disclose or suggest the features of claim 74.

Similarly, ljtsma et al. further does not suggest that the SIP, which manages the SDTs, or the MIP, which manages the MDTs, includes an address of replacement data instead of the MDT or SDT. As such, ljtsma et al. also does not disclose or suggest that "the address area further comprises an address indicating a next address of the spare area to be used for next defective area replacement to be performed" as recited in claim 64.

For at least similar reasons, it is respectfully submitted that ljtsma et al. does not disclose or suggest the features of claim 65.

Further, in rejecting claim 33 on page 3 of the Office Action, the Examiner asserts that a write once medium is merely an alternative equivalent to any medium type. However, it is noted that ljtsma et al. relies on the re-writeable nature of the medium in order to allow updating the MDT. Thus, while an improvement suggested in ljtsma et al. is to account for overwriting of packets during use of a rewritable medium, there is no disclosure or suggestion of the use of this defect management system with respect to a write-once medium since write-once media do not allow such overwriting. As such, write-once media would not be considered equivalent in the context of the defect management disclosed in ljtsma et al.

Moreover, while ljtsma et al. teaches that the defect management will be performed so as to be usable in legacy drives and ROM drives, this feature is based upon the medium being rewritable but readable in these drives. There is no suggestion in ljtsma et al. that the defect management suggested as being usable on rewrite media is also included in a write-once

medium. While the Examiner asserts that the use of a defect list is known in the art regardless of disk type, it is respectfully submitted that the Examiner has not provided evidence that defect management is even performed for write-once media such that there is insufficient evidence that write-once media perform defect management using a defect list as asserted by the Examiner. Further, as ljtsma et al. makes no such suggestion, there remains insufficient evidence that write-once media perform defect management in the manner suggested by the Examiner.

As such, as there is insufficient evidence of record that the defect management asserted by the Examiner on page 3 is performed for write-once disks, or that ljtsma et al. inherently so discloses, it is respectfully submitted that ljtsma et al. does not disclose, through inherency or otherwise, that "the disc is a write-once storage medium having a property which prevents, after the data is recorded on an area of the disc, new data from being written to the area of the disc" as recited in claim 33.

For at least similar reasons, it is respectfully submitted that ljtsma et al. does not disclose, through inherency or otherwise, that "the storage medium is a write-once storage medium" as recited in claim 76.

Lastly, while the MDT and SDT include defect management information recorded during the recording operations, there is no suggestion that only one of the MDT or SDT is used, or that the MDT or SDT are empty prior to finalization. In contrast, claim 54 recites, among other features, "if the storage medium is to be finalized, copying the first management information to a defect management area," where "the defect management area is other than the temporary defect management area and is reserved and empty prior to and to when the storage medium is to be finalized." As such, it is respectfully submitted that ljtsma et al. does not disclose or suggest the features of claim 54.

Claims 2, 4-7, 13, 14, 75, 77, and 78 are deemed patentable due at least to their depending from corresponding claims 1 and 74.

ALLOWABLE SUBJECT MATTER:

On page 4 of the Office Action, the Examiner objects to claims 55 and 61 as being dependent upon a rejected base claim. However, claims 55 and 61 have been cancelled without prejudice or disclaimer.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

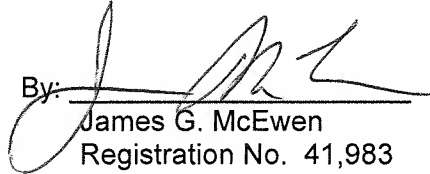
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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